

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Gunars VALKIRS, et al.

Serial Number: 10/714,078

Filing Date: November 14, 2003

Title: DIAGNOSTIC MARKERS OF STROKE
AND CEREBRAL INJURY AND
METHODS OF USE THEREOF

Group Art Unit: 1641

Examiner: Lisa V. Cook

CONFIRMATION NO: 2621

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Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.97

Sir:

An Information Disclosure Statement along with attached PTO/SB/08 is hereby submitted with a Request for Continued Examination (RCE) under §§1.114. A copy of each listed publication is submitted, if required, pursuant to 37 CFR §§1.97-1.98, as indicated below.

The Examiner is requested to review the information provided and to make the information of record in the above-identified application. The Examiner is further requested to initial and return the attached PTO/SB/08 in accordance with MPEP §609.

The right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered, is hereby reserved.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, prior art or material to patentability as defined in §1.56.

- A. ☒ *37 CFR §1.97(b)*. This Information Disclosure Statement should be considered by the Office because:
- ☐ (1) It is being filed within 3 months of the filing date of a national application and is other than a continued prosecution application under §1.53(d);
- OR --
- ☐ (2) It is being filed within 3 months of entry of the national stage as set forth in §1.491 in an international application;
- OR --
- ☐ (3) It is being filed before the mailing of a first Office action on the merits;
- OR --
- ☒ (4) It is being filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- B. ☐ *37 CFR §1.97(c)*. Although this Information Disclosure Statement is being filed after the period specified in *37 CFR §1.97(b)*, above, it is filed before the mailing date of the earlier of (1) a final office action under §1.113, (2) a notice of allowance under §1.311, or (3) an action that otherwise closes prosecution on the merits, this Information Disclosure Statement should be considered because it is accompanied by one of:
- ☐ a statement as specified in §1.97(e) provided concurrently herewith;
- OR --
- ☐ a fee of \$180.00 as set forth in §1.17(p) authorized below, enclosed, or included with the payment of other papers filed together with this statement.
- C. ☐ *37 CFR §1.97(d)*. Although this Information Disclosure Statement is being filed after the mailing date of the earlier of (1) a final office action under §1.113 or (2) a notice of allowance under §1.311, it is being filed before payment of the issue fee and should be considered because it is accompanied by:
- i. a statement as specified in §1.97(e);
- AND --
- ii. a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this Statement.
- D. ☐ *37 CFR §1.97(e)*. Statement.
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(c);
- AND/OR --
- ☐ A statement is provided herewith to satisfy the requirement under 37 CFR §§1.97(d);
- AND/OR --
- ☐ A copy of a dated communication from a foreign patent office clearly showing that the information disclosure statement is being submitted within 3 months of the filing date on the communication is provided in lieu of a statement under 37 C.F.R. § 1.97(e)(1) as provided for under MPEP 609.04(b) V.
- E. ☐ *Statement Under 37 C.F.R. §1.704(d)*. Each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart application that was received by an individual designated in § 1.56(c) not more than thirty (30) days prior to the filing of this information disclosure statement. This statement is made pursuant to the

requirements of 37 C.F.R. §1.704(d) to avoid reduction of the period of adjustment of the patent term for Applicant(s) delay.

F. ☒ 37 CFR §1.98(a)(2). The content of the Information Disclosure Statement is as follows:

☐ Copies of each of the references listed on the attached Form PTO/SB/08 are enclosed herewith.

-- OR --

☒ Copies of U.S. Patent Documents (issued patents and patent publications) listed on the attached Form PTO/SB/08 are NOT enclosed.

-- AND/OR --

☒ Copies of Foreign Patent Documents and/or Non Patent Literature Documents listed on the attached Form PTO/SB/08 are enclosed in accordance with 37 CFR §1.98 (a)(2).

-- AND/OR --

☐ Copies of pending unpublished U.S. patent applications are enclosed in accordance with 37 CFR §1.98(a)(2)(iii).

G. ☐ 37 CFR §1.98(a)(3). The Information Disclosure Statement includes non-English patents and/or references.

☐ Pursuant to 37 CFR §1.98(a)(3)(i), a concise explanation of the relevance of each patent, publication or other information provided that is not in English is provided herewith.

☐ Pursuant to MPEP 609(B), an English language copy of a foreign search report is submitted herewith to satisfy the requirement for a concise explanation where non-English language information is cited in the search report.

-- OR --

☐ A concise explanation of the relevance of each patent, publication or other information provided that is not in English is as follows: _____

☐ Pursuant to 37 CFR §1.98(a)(3)(ii), a copy of a translation, or a portion thereof, of the non-English language reference(s) is provided herewith.

H. In accordance with the duty of disclosure under 37 C.F.R. § 1.56 and set forth in M.P.E.P. § 2001.06(b), Applicants wish to bring to the Examiner's attention the patents and co-pending United States applications which may be related to the instant application and may be material to patentability, listed below. The chart below is designed to assist the Examiner in the evaluation of the instant application. The status information, compiled from PAIR, is believed to be current as of May 19, 2008, and is subject to change. Copies of the published applications, if applicable, have been cited in a previous Information Disclosure Statement and/or are cited herein and listed on the attached PTO Form SB/08.

No.	U.S. Serial No.	Attorney Docket No.	U.S. Publication No.	PAIR Status	Status Date	Examiner
1.	11/512,743	36671-718.201	US 2007-0218498 A1	Docketed New Case-Ready for Examination	9/29/2007	James L. Grunn
2.	08/423,582	36671-726.201	5,574,779	Patented Case	11/1/1996	Harry S. Hong
3.	09/687,051	36671-726.301	6,991,907	Patented Case	1/11/2006	Gailene Gabel
4.	10/850,954	36671-726.302	US 2005-0164317	Non Final Action Mailed	7/28/2005	Gailene Gabel
5.	09/349,194	36671-726.401	6,939,678	Patented Case	8/17/2005	Gailene Gabel
6.	09/425,318	36671-726.402	6,579,687	Patented Case	5/29/2003	Gailene Gabel
7.	11/673,397	36671-726.404	US 2007-0196880 A1	Docketed New Case--Ready for Examination	9/22/2007	Bao Thuy Nguyen
8.	08/633,248	36671-726.501	6,174,686	Patented Case	12/26/2000	Bao Thuy Nguyen
9.	08/769,077	36671-726.502	6,627,404	Patented Case	9/11/2003	Bao Thuy Nguyen
10.	08/821,888	36671-732.201	5,947,124	Patented Case	8/30/1999	Kelly S. Campen
11.	07/076,038	36671-735.201	4,900,662	Patented Case	12/11/1989	Not Defined
12.	08/083,853	36671-735.301	5,382,515	Patent Expired Due to Non-payment of Maintenance Fees Under 37 CFR 1.362	2/19/2003	Toni Scheiner
13.	08/083,854	36671-735.302	5,382,522	Patent Expired Due to Non-payment of Maintenance Fees Under 37 CFR 1.362	2/19/2003	Toni Scheiner
14.	07/299,277	36671-735.501	5,202,234	Patent Expired Due to Non-payment of Maintenance Fees Under 37 CFR 1.362	5/12/2005	Carol Spiegel
15.	11/204,764	36671-738.201	US 2006-0105419 A1	Awaiting Appeal BPAI Docketing	4/23/2008	Bin Shen

16.	08/993,750	36671-741.201	6,156,521	Patented Case	11/16/2000	Bao Thuy Nguyen
17.	09/835,298	36671-742.201	US 2003-0022235 A1	On Appeal--Awaiting Decision by the Board of Appeals	1/9/2008	Ann Lam
18.	10/389,720	36671-742.401	US 2004-0171064 A1	Final Rejection Mailed	4/28/2008	Christine Foster
19.	10/225,082	36671-743.201	US 2003-0119064 A1	Notice of Allowance Mailed--Application Received in Office of Publications	5/16/2008	Gary Counts
20.	10/371,149	36671-743.501	US 2003-0199000 A1	Response to nonfinal Office Action filed	4/4/2008	Gary Counts
21.	10/673,077	36671-743.502	US 2004-0209307 A1	RCE Filed	6/4/2008	Lisa Cook
22.	10/875,800	36671-743.504	US 2005-0255484 A1	RCE Filed	6/11/2008	Lisa Cook
23.	12/090,785	36671-743.831		Application Undergoing Preexam Processing	4/18/2008	
24.	10/139,086	36671-744.201	US 2003-0109420 A1	Patented Case	4/2/2008	Ann Lam
25.	11/560,425	36671-744.301	US 2008-0045444 A1	Application Dispatched from Preexam, Not Yet Docked	11/12/1007	
26.	11/205,571	36671-744.401	US 2006-0063204 A1	Patented Case	3/26/2008	Ann Lam
27.	11/963,713	36671-744.402		Application Undergoing Preexam Processing		
28.	10/419,059	36671-744.501	US 2003-0219734 A1	Final Rejection Mailed	4/14/2008	Christine Foster
29.	10/645,874	36671-744.502	US 2004-0176914 A1	Response to Non-Final Office Action Entered and Forwarded to Examiner	6/6/2007	Long Le
30.	10/938,760	36671-744.503	US 2005-0148024 A1	Non Final Action Mailed	3/15/2008	Ann Lam
31.	10/827,919	36671-744.504	US 2005-0064511 A1	Patented Case	2/20/2008	Ann Lam
32.	10/330,696	36671-745.201	US 2003-0176814 A1	Patented Case	4/1/2004	Kevin Lee

33.	10/728,067	36671-745.501	US 2004-0203083 A1	Non Final Action Mailed	4/17/2008	Unsu Jung
34.	10/603,891	36671-745.502	US 2004-0253637 A1	Non Final Action Mailed	4/4/2008	Unsu Jung
35.	11/795,173	36671-748.831		Application Undergoing Preexam Processing		
36.	10/331,127	36671-749.201	US 2004-0126767 A1	On Appeal--Awaiting Decision by the Board of Appeals	2/19/2008	Carolyn Smith
37.	10/410,572	36671-749.202	US 2004-0121350 A1	Non Final Action Mailed	3/26/2008	Russell S. Negin
38.	11/222,494	36671-751.201	US 2006-0051825 A1	Non Final Action Mailed	1/11/2008	James Leslie Grunn
39.	11/450,150	36671-753.201	US 2007-0269836 A1	Docketed New Case Ready for Examination	11/9/2007	Christine Foster
40.	11/684,498	36671-755.201	US 2007-0224643 A1	Docketed New Case Ready for Examination	5/8/2008	Lisa Cook
41.	11/752,135	36671-756.201	US 2008-0118924 A1	TSS Review Complete	5/1/2008	
42.	11/645,901	36671-775.201		Waiting for LR Clearance	6/12/2007	
43.	11/940,111	36671-779.201		Application Undergoing PreExam Processing	11/14/2007	
44.	08/459,596	36671-781.401	5,843,690	Patented Case	10/25/2004	Carol Spiegel

I. ☐ 37 CFR §1.98(d). Copies of patents, publications and pending U.S. patent applications, or other information specified in 37 C.F.R. § 1.98(a) are not provided herewith because:

- ☐ Pursuant to 37 CFR §1.98(d)(1) the information was previously submitted in an Information Disclosure Statement for another application under which this application claims priority for an earlier effective filing date under 35 U.S.C. 120.

Application in which the information was submitted: _____

Information Disclosure Statement(s) filed on: _____

AND

- ☐ The information disclosure statement submitted in the earlier application complied with paragraphs (a) through (c) of 37 CFR §1.98.

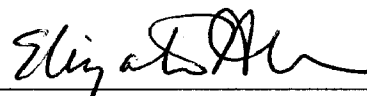
J. ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees that may be required to maintain the pendency of this application or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No. 36671-743.503).

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: June 17, 2008

By: _____



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